

**CARL J. HARTMANN III**  
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ADMITTED: USVI & DC

October 12, 2022

Email Only

James Hymes, Esq.  
cc: Charlotte Perrell, Esq.  
Stefan Herpel, Esq.  
Joel Holt, Esq.

RE: Request for Rule 37 Conference in 650/65/342 (3rd letter)

Attorney Hymes:

There seems to be some issue with discovery practice. Hamed has requested Rule 37 conferences several times, but we have not been able to obtain a date and time from you. This has now gone on for over one month. Therefore I will recap my requests that we have such a conference and ask that it occur *before Manal's deposition*. To assist, I have noted deliverables (a)-(h) below, in bold, with highlighting, and in a summary exhibit.

A. Your agreement with Joel Holt per his prior confirming letter

On August 1, 2017, Joel Holt wrote to you confirming the results of the Rule 37 conference between the parties. Exhibit A. In that conference you agreed to produce a number of items. On August 10, 2022, I sent you an email in which I enquired: "Attached is a letter confirming the results of the Rule 37 conference. Have the listed items been completed? Please advise." Exhibit B. On August 16, 2022, I sent you a second, follow-up email--again requesting your compliance with that agreement. Exhibit C ("Per the email below and the attached, please supply the following – particularly items 1, 3, 4 and 5.")

- (1) the power of attorney from Manal Yousef to Jamil Yousuf as well as
- (2) the notarized signature page of the interrogatory answers.
- (3) confirm in writing that your only communications have been with Jamil Yousuf, not Manal Yousef.
- (4) Regarding Manal's passports, you are obtaining copies as promptly as you can, which you will then file under seal with the Court, notifying me when you do.

(5) As for interrogatory 9, you will amend to say that Manal has no documents that have any of the requested information.

Thus, we need a Rule 37 conference as to the following topics: **(a)** You have not filed the passport(s).<sup>1</sup> **(b)** If you have provided the written confirmation described in Item 3, I cannot locate it. Please, either direct my attention to the response, or provide that confirmation. Also, you have stated that you have previously provided Item 1, the POA from Manal to Jamil—but, **(c)** I would ask that you direct me to the response or re-send it, as I have clearly misplaced it.

#### B. Prior Requests for Rule 37 conference as to Manal

On September 20, 2022, I sent you a request for a Rule 37 conference regarding Manal. Exhibit D. You have twice asked whether your subsequent discovery responses clarified or obviated all of this request. In each case I have responded in the negative and asked for your availability. In that request I asked for the following:

Interrogatory 17:

Describe in detail the full response to Interrogatory #9, unless you had no such accounts, none were in your name or no such accounts existed where you were a beneficiary -- for the stated period. If there were no such accounts, state, as agreed “I had, had in my name *or was the beneficiary of no such accounts* for that time period.” (Emphasis added.)

RESPONSE: A copy of my Power of Attorney to Jamal has been produced, as have copies of my passports. I have no documents relating to my receipt of funds from Sixteen Plus. My brother gave me cash from time to time as I needed it.

Hamed Position: This is unresponsive. It seeks any accounts in her name or as to which she is/was a beneficiary. I want to know where and on what account numbers I need to get local subpoenae for. Account name, institution and account number – and years open. If her response is “from 1995 to the present I have had no bank or other accounts and was the beneficiary of none—that is false...as she was a beneficiary on those of at least Isam or Island Appliances. If her response is “I was a

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<sup>1</sup> She has stated that passports have been produced—but while it is true that Hamed has some copies of parts of her prior passports attached to other documents, these are NOT full copies of her passports. All passports that she presently possesses should be *fully* copied including covers and endorsements, and full copies of any prior passports should also be fully copied. Those copies should be filed with the Court as you previously agreed, or they should be provided to Hamed with a statement that no others exist. This request seeks both information and to effect estoppel. Hamed wishes to be certain that she has no passport from other jurisdictions such as Sint Maarten, France, Jordan, Israel, or other countries. He also wishes to see any stamps that would reflect when and where she has traveled. She is seeking the equivalent of at least \$30 million dollars. She must fully comply with such basic discovery at that level of seriousness.

beneficiary of accounts held by ISAM and had none of my own, then she must make reasonable inquiry of Isam to get them.

Thus, in the Rule 37 conference we expect her to answer as to any accounts that are/were in her name or as to which she is/was a beneficiary. We have been around this on several occasions with Isam and her in different requests. At times the two of them state that all of the money involved here was in *Isam's accounts*. That does not appear to be accurate, they seem to have been in Island Appliances account at some time as to the \$4 million transferred—were they ever in any other accounts or funds held by Isam or others?. At other times, they state Isam *managed a fund for her* but there is no description or evidence of a separate “fund.” Again, were they ever in any other account or fund other than the Island Appliances account—both she and Isam should respond on this. In either case, both answers are simultaneously inaccurate and unresponsive because what are alleged to be Manal's assets were clearly in *Island Appliances' account*--and Hamed has asked about (d) all of her accounts or accounts where she was a beneficiary. She has also stated that she has received and spent all the cash from three interest payments of \$360k each (doled out as she needed it by Isam). This is a fantastic claim—but is also unresponsive. We assume that she had (and has) or been the beneficiary of regular banking accounts or other types of accounts into which she has deposited and withdrawn funds then and now—whether they are in her name, her partner's name or some other name—and whether they were on STM or where she resides now.<sup>2</sup> What we wish to have described are the transactions that reflect her getting, storing, moving and using over \$1 million in interest.

We want her (e) to provide certification that she has used all reasonable steps to get both information about the accounts/funds and the account documents from Isam—as he was either her agent or her fiduciary for both the \$4 million and the \$1 million. She should have him interviewed in detail by counsel and collect any information, recollections he has and documents. She and Isam have described these amounts as being in a “fund” he managed for her, or in “accounts” managed by him.

Next is Interrogatory 19:

**Interrogatory 19:**

Please describe all the following with a full description of the documents, dates and persons involved:

\* \* \* \*

C. All taxes paid to the governments of your residence and citizenship for the three payments of \$360,000 from the Virgin Islands Corporation, Sixteen Plus.

RESPONSE:

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<sup>2</sup> We have also asked for her present address. Please provide that street address--the actual residential address where she sleeps at night--where a process server could serve her. If there is not a number and street, then a set of physical directions and a description of the physical residence.

As a non-US Resident, and non-US Citizen, I did not think I have to pay taxes. If I do, I do not mind paying them when the case is over.

and

D. All transfers of funds to you or for your benefit for those three payments.

RESPONSE: I receive cash from my brother from time to time, as needed.

Hamed Position: What times? Approximate years and amounts. Small or large amounts.

Also:

RESPONSE: All funds received by my brother have been disbursed to me over time, and there are none left to be distributed.

Hamed Position: What were they spent on? When—does she have any assets worth \$350k?

**(f)** We now understand that neither she nor Isam paid USVI or FIRPTA taxes on VI source income. Did either pay income tax on interest income for the over \$1 million in such income in their home taxing jurisdiction(s)? If Manal and/or Isam received \$360k in 1998, did either file tax returns in STM and/or Ramallah in that year, and did either declare this as interest income? Same for 1999 and 2000. They have both been asked for both the tax filings themselves and for a response to these questions. Saying that she did not know she owed taxes here, that Isam never personally “received income”, or that Manal will pay taxes here *if she loses this case* is unresponsive as to whether anyone ever paid any taxes on this money anywhere. There is an alleged \$1 million dollars in interest income for which there is no trace and for which it is unclear if anyone ever paid any tax anywhere.

**(g)** Moreover, as to the \$1 million dollars in alleged income since 1998. She has now said that she has spent it all. She needs to give a detailed recounting on the when, where, how and what of this—and any assets she purchased. This means that she must write out the various amounts, dates and uses for a million dollars. If she cannot recall the exact dates and amounts, she must give her best approximations. Moreover, if she never deposited a cent, she still received, held, and used these smaller payments. How was it done, what was the mechanism or mechanisms. Of particular interest is the fact that she returned to the West Bank. Was all \$1 million provided in parts before she left STM? If not, how did Isam get it to her over there?

C, Prior Requests for Rule 37 conference as to Isam/Jamil

On September 18, 2022, I first requested a Rule 37 conference as to the responses regarding BFC Appliance. Exhibit E. Based in the September 30, 2022 responses from Isam, I realized that you were limiting the responses based on the fact that I had

referred to Island Appliance as BFC Island Appliance—and suggested that we could avoid the Rule 37 issues if you agreed to a pro forma amendment/correction to remove BFC from all references to Island Appliances. See September 30, 2022 email, Exhibit F. I noted that Isam clearly understood what Island Appliance was being referred to—but that we still needed the Rule 37 conference if you did not agree.

On October 3, 2022, you responded to say that you would discuss this issue with your client: “I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.” Exhibit G. As I did not hear back from you, I sent a third request—a more formal letter of October 8, 2022:

I believe all responses from your clients to date have been about the correct entity—but need to confirm that you have (and will) treat the discovery requests as being about the identified “Island Appliances”—or, alternatively, will require me to seek relief from the Court to amend/correct.

Since then, I have heard from [you], on October 3<sup>rd</sup>:

I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.

Because of the short scheduling order and the upcoming deposition, I would appreciate receiving your responses so that I can approach the Court if you do not concur. To that end I provide the following information that I would put before the Court to assist in your reflection on the matter.

1. The error occurred because of the pick-up of the name from FBI/DOJ documents

At the early stage of the case, and in our understanding, we referred to Island Appliances as it appeared in the central document we were using: DOJ/FBI Draft Report dated December 28, 2004, where the transactions are described as follows:

SIXTEEN PLUS CORPORATION						
Bank of Nova Scotia						
Acct. 39411						
BANK DATE	DEPOSIT AMOUNT	DEPOSIT SOURCE	DEBIT AMOUNT	PAYEE	CHECK NUMBER	REMARKS
2/10/97	3,000.00	Currency				acct. opened - 60/\$50
2/19/97	2,000,000.00	Isam Yousef		<i>B-2 St. Martin</i>		wire trans // BFC Island Appliance acct
8/15/97			1,800,000.00	The Bank of Nova Scotia	101	Diamond Keturah Closing
8/27/97			7,500.00	M.P. Walker & Assoc.		land survey
9/4/97	18,000.00	Currency				180/\$100
9/4/97	2,000,000.00	Isam Yousef				wire trans // BFC Island Appliance acct
9/4/97			2,211,000.00	The Bank of Nova Scotia		Re payout on loan #58001377
	4,021,000.00		4,018,500.00			

The two transfers of \$2 million were shown as being to “BFC Island Appliances.” Of course counsel has by now determined that this refers to the “Island Appliances” account at BFC. While the error is entirely mine, I believe it was understandable to read this as the formal corporate name being “BFC Island Appliances”.

2. Isam clearly knew what entity was being referred to and identified himself as both the manager and a shareholder—even when misidentified as “BFC Island Appliances”

In the existing discovery, Isam clearly understood the reference and answered. There are several examples of his responding as to the correct “Island Appliances”. In response to Interrogatory #2, he states:

Between 1986 and 2001 , I was the manager/shareholder of Island Appliances, Canigater Street, Dutch St. Maarten.

At interrogatory #3 he states:

I opened an account with the same bank for Island Appliances sometime near the end of 1986, or the beginning of 1987.

At interrogatory #4:

BFC Bank - I had a personal bank account. Island Appliances had a business account at the same bank. . . .

There are other discovery requests which should have elicited the documents and answers sought that did not have the naming error

Similarly, several of the discovery requests were such that the correct responses should have identified the correct “island Appliances” and provided the documents and answers sought. There are several examples of this. At page 8 of Isam’s responses to *Plaintiff Hisham Hamed’s First Request For The Production Of Documents I* he is asked for:

Document Request No. 16:

Please provide documents reflecting the source of all funds used to make the wire transfer that was sent on or about September 4, 1997, as noted on page 6 of Exhibit 4 as well as Exhibit 6 that are attached.

This calls for all Island appliance account records that reflect the build-up and disbursement of the two \$2 million transfers to Sixteen Plus—the monthly statements of June 1996 through December 1997, the deposit slips sourcing the funds for that period and canceled checks. Isam states

“none” but it is now unclear as to whether he does not have them, or limits his response to “BFC Island Appliances”—which would be an improper answer as the request is not so limited. Likewise, in interrogatories, he answered as to island Appliances, but did not provide the requisite detail:

Interrogatory 4:

Please list all financial accounts you have, that are fully or partially in your name, in any corporation, partnership or business association in which you own more than 5% interest, or as to which you are a beneficiary from January 1, 1995 through December 31, 2000, including but not be limited to all: bank accounts, stock brokerage accounts, negotiable instrument accounts, retirement accounts, trading or options accounts, and funds transfer accounts. For each, identify the name and address of the institution, the title holder(s), the beneficiaries or trust beneficiaries as well as the last four digits of the account number(s),

Response:

BFC Bank - I had a personal bank account. *Island Appliances had a business account at the same bank. . . . (Emphasis added.)*

This is simply a case of not fully responding once the Island Appliances account was correctly identified as being responsive. He is required to “identify the name and address of the institution, the title holder(s), the beneficiaries or trust beneficiaries as well as the last four digits of the account number(s).

Conclusion

I would appreciate a response at your earliest convenience, and if the answer is in the negative, I will append it as an exhibit to explain to Judge Brady why an unnecessary motion is being forced given the facts above. In addition, if I could get a Rule 37 response from Isam as to whether he actually has the banking records for himself and Island appliances for that period, we could avoid at least part of the issue,

I note that I stressed “the short scheduling order and the *upcoming deposition.*” That deposition is now just a few days away and we still have not had a Rule 37 conference. Thus, I again **(h)** request a conference—before Manal’s deposition. If the deposition goes forward without such a conference and adequate responses, I will ask the Court for relief. I look forward to getting dates for all requested Rule 37 topics as requested several times. For clarity, I have abstracted the requests (a) – (h) and attached them as Exhibit I.

Thank you,

A handwritten signature in blue ink, reading "Carl J. Hartmann III". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Carl J. Hartmann III



EX A

*JOEL H. HOLT, ESQ. P.C.*

2132 Company Street, Suite 2  
Christiansted, St. Croix  
U.S. Virgin Islands 00820

Tele. (340) 773-8709  
Fax (340) 773-8677  
E-mail: [holtvi@aol.com](mailto:holtvi@aol.com)

August 1, 2017

James L. Hymes, III, Esquire  
Law Offices of James L. Hymes, III, P.C.  
P.O. Box 990  
St. Thomas, VI 00804-0990

Sent by mail and email: [jim@hymeslawvi.com](mailto:jim@hymeslawvi.com)

**Re: Sixteen Plus v Manal Yousef et al., SX-16-CV-65**


Dear Attorney Hymes:

In follow up to our Rule 37 conference, I want to memorialize what I understand we agreed on:

- 1) You will produce (1) the power of attorney from Manal Yousef to Jamil Yousuf as well as (2) the notarized signature page of the interrogatory answers now.
- 2) You will confirm in writing that your only communications have been with Jamil Yousuf, not Manal Yousef. In exchange, I will withdraw the request to produce a privilege log.
- 3) Regarding Manal's passports, you are obtaining copies as promptly as you can, which you will then file under seal with the Court, notifying me when you do.
- 4) As for Interrogatory 9, you will amend to say that Manal has no documents that have any of the requested information.

Please confirm that I have accurately summarized our discussion. If not, please let me know what you recall differently. Thanks.

Cordially,

  
Joel H. Holt  
JHH/jf

Cc: Mark Eckard

EX B

**From:** [Carl Hartmann](#)  
**To:** ["Joel Holt"; "jim@hymeslawvi.com"](#)  
**Cc:** ["Kim Japinga"](#)  
**Subject:** Has Jim completed items from Rule 37 conference?  
**Date:** Wednesday, August 10, 2022 10:34:00 AM  
**Attachments:** [2016-08-01 16+ Manal 65 - Letter to Hymes re Results of Rule 37 Conf.pdf](#)

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Gentlemen:

Once again, I apologize. Attached is a letter confirming the results of the Rule 37 conference. Have the listed items been completed?

Please advise.

Carl

CARL J. HARTMANN III  
EMAIL: [CARL@HARTMANN.ATTORNEY](mailto:CARL@HARTMANN.ATTORNEY)  
TELEPHONE: (616) 416-0956  
WEBSITE : [WWW.HARTMANN.ATTORNEY](http://WWW.HARTMANN.ATTORNEY)

**From:** [Carl Hartmann](#)  
**To:** "[jim@hymeslawvi.com](mailto:jim@hymeslawvi.com)"; "[rauna@hymeslawvi.com](mailto:rauna@hymeslawvi.com)"  
**Cc:** "[JOEL HOLT](#)"; "[Kim Japinga](#)"  
**Subject:** Second request: Items from Rule 37 conference  
**Date:** Tuesday, August 16, 2022 12:33:00 PM  
**Attachments:** [2016-08-01 16+ Manal 65 - Letter to Hymes re Results of Rule 37 Conf.pdf](#)

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EX C

Attorney Hymes:

Per the email below and the attached, please supply the following – particularly items 1, 3, 4 and 5.

- (1) the power of attorney from Manal Yousef to Jamil Yousuf as well as
- (2) the notarized signature page of the interrogatory answers.
- (3) confirm in writing that your only communications have been with Jamil Yousuf, not Manal Yousef.
- (4) Regarding Manal's passports, you are obtaining copies as promptly as you can, which you will then file under seal with the Court, notifying me when you do.
- (5) As for interrogatory 9, you will amend to say that Manal has no documents that have any of the requested information.

Thank you,

Carl Hartmann

**CARL J. HARTMANN III**  
EMAIL: [CARL@HARTMANN.ATTORNEY](mailto:CARL@HARTMANN.ATTORNEY)  
TELEPHONE: (616) 416-0956  
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**From:** Carl Hartmann <[carl@carlhartmann.com](mailto:carl@carlhartmann.com)>  
**Sent:** Wednesday, August 10, 2022 10:35 AM  
**To:** 'Joel Holt' <[holtvi@aol.com](mailto:holtvi@aol.com)>; 'jim@hymeslawvi.com' <[jim@hymeslawvi.com](mailto:jim@hymeslawvi.com)>  
**Cc:** 'Kim Japinga' <[kim@japinga.com](mailto:kim@japinga.com)>  
**Subject:** Has Jim completed items from Rule 37 conference?

Gentlemen:

Once again, I apologize. Attached is a letter confirming the results of the Rule 37 conference. Have the listed items been completed?

Please advise.

Carl

**CARL J. HARTMANN III**  
EMAIL: [CARL@HARTMANN.ATTORNEY](mailto:CARL@HARTMANN.ATTORNEY)  
TELEPHONE: (616) 416-0956

EX D

From: [Carl Hartmann](#)  
To: "[Rauna Stevenson](#)"; "[Jim Hymes](#)"  
Cc: "[Charlotte Perrell](#)"; [sherpel@dnfvi.com](mailto:sherpel@dnfvi.com); [pbayless@dnfvi.com](mailto:pbayless@dnfvi.com); "[Joel Holt](#)"; [Kim Japinga](#)  
Subject: Rule 37 Request as to 2nd and 3rd Interrogatory Responses in 65/342  
Date: Tuesday, September 20, 2022 5:15:00 PM

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Jim:

Pursuant to Rule 37, I would like to schedule a conference to discuss the following—in addition to the items discussed in my prior email.

## **Interrogatories #2**

### **Interrogatory 17:**

Describe in detail the full response to Interrogatory #9, unless you had no such accounts, none were in your name or no such accounts existed where you were a beneficiary -- for the stated time period. If there were no such accounts, state, as agreed "I had, had in my name or was the beneficiary of no such accounts for that time period."

### **RESPONSE:**

**A copy of my Power of Attorney to Jamal has been produced, as have copies of my passports.** I have no documents relating to my receipt of funds from Sixteen Plus. My brother gave me cash from time to time as I needed it.

Hamed Position: This is unresponsive. It seeks any accounts in her name or as to which she is/was a beneficiary. I want to know where and on what account numbers I need to get local subpoenae for. Account name, institution and account number – and years open. If her response is "from 1995 to the present I have had no bank or other accounts and was the beneficiary of none—that is false...as she was a beneficiary on those of at least ISam or Island Appliances. If here response is I was a beneficiary of accounts held by ISAM and had none of my own, then she has to make reasonable inquiry of Isam to get them.

### **Interrogatory 19:**

Please describe all of the following with a full description of the documents, dates and persons involved:

- A. All taxes paid to the US Virgin Islands Government for the three payments of \$360.000 from the Virgin Islands Corporation, Sixteen Plus. (I.e. all VI sourced income.)

### **RESPONSE:**

**As a non-US Resident, and non-US Citizen, I did not think I have to pay taxes. If I do, I do not mind paying them when the case is over.**

- B. All taxes paid to the US Government for the three payments of \$360,000 from the Virgin Islands Corporation, Sixteen Plus. (I.e. all US source income.)

**RESPONSE:**

**As a non-US Resident, and non-US Citizen, I don't think I have to pay tax, and if I have to pay, I do not mind paying when the case is over.**

Hamed Position: Both unresponsive. The correct response is "I did not pay taxes to the USVI government for the \$360,000 I received. Same as to US government"

- C. All taxes paid to the governments of your residence and citizenship for the three payments of \$360,000 from the Virgin Islands Corporation, Sixteen Plus.

**RESPONSE:**

**As a non-US Resident, and non-US Citizen, I did not think I have to pay taxes. If I do, I do not mind paying them when the case is over.**

Hamed Position Same here, but I'd be careful about pleading she did not think she had to pay taxes in either STM or West Bank.

- D. All transfers of funds to you or for your benefit for those three payments.

**RESPONSE:**

**I receive cash from my brother from time to time, as needed.**

Hamed Position: What times? Approximate years and amounts. Small or large amounts.

**Also--RESPONSE:**

All funds received by my brother have been disbursed to me over time, **and there are none left to be distributed.**

Hamed Position: What were they spent on? When—does she have any assets worth \$350k ?

- Query as to taxes in her place(s) of residence

- Hamed Position Same here, but I'd be careful about pleading she did not think she had to pay taxes in either STM or West Bank.

### **Interrogatories #3**

Most of these do not provide the facts on which she will rely – thus you are on notice that she will move to strike most the defenses.

**Carl**

Carl J. Hartmann III  
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Telephone: (616) 416-0956

Website : [www.Hartmann.Attorney](http://www.Hartmann.Attorney)

Carl J. Hartmann III  
Email: [Carl@Hartmann.Attorney](mailto:Carl@Hartmann.Attorney)  
Telephone: (616) 416-0956

Website : [www.Hartmann.Attorney](http://www.Hartmann.Attorney)

**From:** [Carl Hartmann](#)  
**To:** ["Rauna Stevenson"](#); ["Jim Hymes"](#)  
**Cc:** ["Charlotte Perrell"](#); [sherpel@dnfvi.com](mailto:sherpel@dnfvi.com); [Joel HOLT](#); [pbayless@dnfvi.com](mailto:pbayless@dnfvi.com); [Kim Japinga](#)  
**Subject:** Rule 37 Request to Jim re Isam  
**Date:** Sunday, September 18, 2022 1:48:00 PM

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Jim:

Now that the new scheduling order and upcoming depositions of Manal, Isam and Jamil are happening, I'd like to get some more information that was sought but not provided in the prior discovery. First, pursuant to Rule 37, I would like to schedule a conference to discuss two interrogatory responses and a response to a request to admit from Isam. Actually, we can avoid this if he will fully answer interrogatory number 3-- and clarify the other two items if necessary

**4. ADMIT** that in 1997, BFC Island Appliance was owned at least in part by you, either directly or indirectly.

**RESPONSE: DENY.** [[This seems contradicted by the next answer below....]]

and

**Interrogatory 2:** Please state the name and address of each place you have worked or been self[1]employed between 1986 and 2017 and for each such place, please state: a) All of your job title(s) or position(s) b) Your rate(s) of pay c) The time you started and the time you left each such job Response: Between 1986 and 1989,

Response:

I was the self-employed owner of Sosamag Supermarket, Rue de General DeGaulle, French St. Maarten. Between 1986 and 2001 , **I was the manager/shareholder of Island Appliances**, Canigater Street, Dutch St. Maarten. Between 1996 and 2001 , I was the manager/shareholder of Dyson's Island Furniture, St. Maarten. Between 2001 to the present, I have been the manager/shareholder of Travel Inn Hotel, St. Maarten between 2010 - 2017 I have been the manager/shareholder of Simpson Bay suites, St. Maarten

**Interrogatory 3:** Please describe in detail all that you know about BFC Island Appliance, including but not limited to its location, years of operation, **ownership, location of its bank accounts, your relationship to it and its one of its owners/operators as well as the name and address of all of its other owners/operators.**

Response:

In 1986, I acquired Sosamag Supermarket in the French side of St. Maarten. The previous owner had an account with BFC Bank. I opened

an account with the same bank for Island Appliances sometime near the end of 1986, or the beginning of 1987. **[[Totally unresponsive...who owned it and in what percentages – and when]]**

Thus, we can have a conference or, alternatively, I would like to know the answer(s) to #3. What he knows about Island Furniture.

I want to know answers to exactly what is asked in the interrogatory. Who were the other shareholders (and their addresses at the time) if it was owned as a corporation? Was his father or other family members—and at what percentages? Third persons? All bank accounts?

CARL J. HARTMANN III  
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**From:** [Carl Hartmann](#)  
**To:** ["Rauna Stevenson"](#); ["Jim Hymes"](#)  
**Cc:** ["Kim Japinga"](#); ["Joel Holt"](#)  
**Subject:** Rule 37 Conf Still Necessary (Hymes)  
**Date:** Friday, September 30, 2022 8:38:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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EXF

Jim:

Please give me dates and times at your earliest convenience for when we can proceed with the Rule 37 Conference as per my prior email.

Also, in the interrog responses filed today, Isam states that:

First Supplemental Response to Interrogatory No. 3:

I have no information concerning the location, years of operation, ownership, location of bank accounts, the identity of the owners/operators of BFC Island Appliance. I have no knowledge or information that a corporation with that name existed in or about 1997, or any other time.

The reference to "BFC Island Appliance" is typographical error....the correct entity is Island Appliance. The question was about **Island Appliances** – the same entity or dba which had the account on which the two \$2 million transfers were made listing Isam as the person initiating the transfers. He has already said that he did transfer those funds from that account. Will you supplement as to the corporation or some other form of business, that Isam mailed letters on Island Appliances letterhead,

## ISLAND APPLIANCES

#12 Cannegleter Road  
Philipsburg, St. Maarten, N.A.  
Fax/Tel. 011-5995-25330

wired funds on Island Appliances accounts (60.63541 & 60.20186)



**Banque Française Commerciale**  
Antilles Guyane

S. A. capital 35 000 000 - Siège social: 9, rue Louis Morant 75384 PARIS - Tél. (1) 44 20 20 20

**ORDRE DE VIREMENT / TRANSFER ORDER**

**DONNEUR D'ORDRE  
ISSUER**

Nom / Name ISANI YOUSUF

Par prélèvement sur mon compte numéro  
From my account number

Ap. 10 Identification 41061063581

Date 2 13 97

Veuillez verser la somme de / Transfer the amount of

(en chiffres)  
(in figures)

(en lettres)  
(in full)

\$ 2,000,000.-  
Two million dollars

**BENEFICIAIRE  
BENEFICIARY**

Nom / Name Sixteen plus Corporation

Adresse / Address 5X Thomas U.T. P

Tel 809-775-5646

Motif (raison) / Reason

ACC. 00039411

and otherwise transacted business under that name.

**Groupe YOUSUF Isam**

**Island Appliance**

M. Yousuf Isam est propriétaire en zone hollandaise d'une affaire spécialisée dans la vente de meubles dénommée « Island Appliances ». Deux comptes francs et dollars ont été ouverts en février 1995 à la BFC-AG. Dès le mois de juillet 1996, la banque est intriguée par des mouvements d'espèces très importants sur le compte de l'intéressé. Les explications fournies par M. Isam suffisent pourtant à apaiser les inquiétudes de la banque alors que par ailleurs celle-ci ne dispose d'aucun document comptable lui permettant de mettre en cohérence les flux observés sur le compte et les courants d'affaires annoncés<sup>5</sup>. Pourtant, des opérations devant susciter la vigilance continuent à transiter par le compte sans que cela ne déclenche la moindre réaction (cf. tableau infra). Il faut attendre le mois de mai 1998 pour que la banque procède à une déclaration de soupçon auprès de Tracfin (annexe 5).

Opérations remarquables observées au compte de YOUSUF Isam (Island Appliances)					
Numeros de compte	Date	Opération	Montant	Bénéficiaire	Commentaires de l'Inspection
60.63541.90.40 USD	04-07/96	Dépôt cash	1,6 MUSD	Lui-même	
	1996	Virement	1,4 MUSD	Lui-même (Cairo Amman Bank en Jordanie)	Information portée à la connaissance de Tracfin qu'en mai 1998
	01/97	Dépôt cash	1,5 MUSD	Lui-même	Ces sommes ont été déposées en 10 versements consécutifs. A ce stade, la constitution d'un dossier de surveillance eut été nécessaire à tout le moins (art. L. 563-3 du CMF)
	02/97	Virement	2 MUSD	Sixteen Plus Corp. (Nova Scotia Bank AWI)	Information portée à la connaissance de Tracfin qu'en mai 1998.
	09/97	Virement	2 MUSD	Ibid.	Ibid.
	04/98	Virement	220 kUSD	Mohamad Abdel Qader (chez West Bank-Israel)	
	10/07/98	Virement	300 kUSD	Ayed Youssef (Winward Island Bank/Sint-Maarten)	Opération n'ayant pas été portée à la connaissance de Tracfin (art. L. 563-3 du CMF)
	15/07/99	Virement	200 kUSD	Adnan Rahal	Ibid.
	9/08/99	Virement	400kUSD	Lui-même	Ibid.
60.20186.90.00 FRF					Ce compte mouvemente très peu

This too can be discussed in the conference.

Thank you,

Carl Hartmann

CARL J. HARTMANN III  
 EMAIL: [CARL@HARTMANN.ATTORNEY](mailto:CARL@HARTMANN.ATTORNEY)  
 TELEPHONE: (616) 416-0956  
 WEBSITE: [WWW.HARTMANN.ATTORNEY](http://WWW.HARTMANN.ATTORNEY)



**From:** [carl@hartmann.attorney](mailto:carl@hartmann.attorney)  
**To:** "Rauna Stevenson"; "Jim Hymes"  
**Cc:** "Kim Japinga"  
**Subject:** RE: Rule 37 Conf Still Necessary (Hymes) // Hisham Hamed/16 Plus v. Fathi Yusuf, et al. - 650  
**Date:** Monday, October 3, 2022 3:58:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Thank you.

Carl

**CARL J. HARTMANN III**  
EMAIL: [CARL@HARTMANN.ATTORNEY](mailto:CARL@HARTMANN.ATTORNEY)  
TELEPHONE: (616) 416-0956  
WEBSITE : [WWW.HARTMANN.ATTORNEY](http://WWW.HARTMANN.ATTORNEY)

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**From:** Rauna Stevenson <rauna@hymeslawvi.com>  
**Sent:** Monday, October 3, 2022 3:32 PM  
**To:** Carl@hartmann.attorney  
**Cc:** Kim Japinga <kim@japinga.com>; Joel Holt <holtvi@aol.com>; Jim Hymes <jim@hymeslawvi.com>  
**Subject:** RE: Rule 37 Conf Still Necessary (Hymes) // Hisham Hamed/16 Plus v. Fathi Yusuf, et al. - 650

Dear Carl:

I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.

Sincerely yours,

*James L. Hymes, III*

James L. Hymes, III  
Law Offices of James L. Hymes, III  
P.O. Box 990  
St. Thomas, Virgin Islands 00804-0990  
Telephone: (340) 776-3470  
E-Mail: [jim@hymeslawvi.com](mailto:jim@hymeslawvi.com); [rauna@hymeslawvi.com](mailto:rauna@hymeslawvi.com)

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TELEPHONE  
(340) 642-4422

EMAIL  
CARL@CARLHARTMANN.COM

ADMITTED: USVI & DC

October 6, 2022

By Email Only

James Hymes, Esq.  
Charlotte Perrell, Esq.  
Stefan Herpel, Esq.  
cc: Joel Holt, Esq.

RE: Discovery in 650 and 65/342 – Correction (2<sup>nd</sup> letter)

Counsel:

As I stated in my September 30<sup>th</sup> letter, “I erroneously referred to Island Appliances as “BFC Island Appliance” in several discovery requests.” I also asked for your consideration of a simple corrective measure:

I believe all responses from your clients to date have been about the correct entity—but need to confirm that you have (and will) treat the discovery requests as being about the identified “Island Appliances”—or, alternatively, will require me to seek relief from the Court to amend/correct.

Since then, I have heard from Jim, on October 3<sup>rd</sup>:

I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.

Because of the short scheduling order and the upcoming deposition, I would appreciate receiving your responses so that I can approach the Court if you do not concur. To that end I provide the following information that I would put before the Court to assist in your reflection on the matter.

### 1. The error occurred because of the mix-up of the name from FBI/DOJ documents

At the early stage of the case, we referred to Island Appliances as it appeared in the central document we were using to follow this transaction: DOJ/FBI Draft Report dated December 28, 2004, where transfers to Sixteen Plus are described as follows:

SIXTEEN PLUS CORPORATION						
Bank of Nova Scotia						
Acct. 39411						
BANK DATE	DEPOSIT AMOUNT	DEPOSIT SOURCE	DEBIT AMOUNT	PAYEE	CHECK NUMBER	REMARKS
2/10/97	3,000.00	Currency				acct. opened - 60/\$50
2/19/97	2,000,000.00	Isam Yousef		<i>9-2 St Martin</i>		wire trans // BFC Island Appliance acct
8/15/97			1,800,000.00	The Bank of Nova Scotia	101	Diamond Keturah Closing
8/27/97			7,500.00	M.P. Walker & Assoc.		land survey
9/4/97	18,000.00	Currency				180/\$100
9/4/97	2,000,000.00	Isam Yousef				wire trans // BFC Island Appliance acct
9/4/97			2,211,000.00	The Bank of Nova Scotia		Re payout on loan #58001377
	4,021,000.00		4,018,500.00			

The two transfers of \$2 million were shown as being to “BFC Island Appliances.” Of course counsel has by now determined that this refers to the “Island Appliances” account at BFC. While the error is entirely mine, I believe it was understandable to read this as the formal corporate name being “BFC Island Appliances”.

### 2. Isam clearly knew what entity was being referred to and identified himself as both the manager and a shareholder—even when identified as “BFC Island Appliances

In the existing discovery, Isam clearly understood the reference and answered, There are several examples of his responding as to the correct “Island Appliances”. In response to Interrogatory #2, he states:

Between 1986 and 2001 , I was the manager/shareholder of Island Appliances, Canigater Street, Dutch St. Maarten.

At interrogatory #3 he states:

I opened an account with the same bank for Island Appliances sometime near the end of 1986, or the beginning of 1987.

At interrogatory #4:

BFC Bank - I had a personal bank account. Island Appliances had a business account at the same bank. . . .

### 3. There are other discovery requests which should have elicited the documents and answers sought that did not have the naming error

Similarly, several of the discovery requests were such that the correct responses should have identified the correct “island Appliances” and provided the documents and answers sought. There are several examples of this. At page 8 of Isam’s responses to *Plaintiff Hisham Hamed's First Request For The Production Of Documents I* he is asked for:

Document Request No. 16:

Please provide documents reflecting the source of all funds used to make the wire transfer that was sent on or about September 4, 1997, on noted on page 6 of Exhibit 4 as well as Exhibit 6 that are attached.

This calls for all Island appliance account records that reflect the build-up and disbursement of the two \$2 million transfers to Sixteen Plus—the monthly statements of June 1996 through December 1997, the deposit slips sourcing the funds for that period and canceled checks. Isam states “none” but it is now unclear as to whether he does not have them, or limits his response to “BFC Island Appliances”—which would be an improper answer as the request is not so limited. Likewise, in interrogatories, he answered as to island Appliances, but did not provide the requisite detail:

Interrogatory 4:

Please list all financial accounts you have, that are fully or partially in your name<sup>1</sup> in any corporation, partnership or business association in which you own more than 5% interest, or as to which you are a beneficiary from January 1, 1995 through December 31, 2000, including but not be limited to all: bank accounts, stock brokerage accounts, negotiable instrument accounts, retirement accounts, trading or options accounts, and funds transfer accounts. For each, identify the name and address of the institution, the title holder(s), the beneficiaries or trust beneficiaries as well as the last four digits of the account number(s),

Response:

BFC Bank - I had a personal bank account. *Island Appliances had a business account at the same bank. . . . (Emphasis added.)*

This is simply a case of not fully responding once the Island Appliances account was correctly identified as being responsive. He is required to “ identify the name and address of the institution, the title holder(s), the beneficiaries or trust beneficiaries as well as the last four digits of the account number(s).

## Conclusion

I would appreciate a response at your earliest convenience, and if the answer is in the negative, I will append it as an exhibit to explain to Judge Brady why an unnecessary motion is being forced given the facts above. In addition, if I could get a Rule 37 response from Isam as to whether or not he actually has the banking records for himself and Island appliances for that period, we could avoid at least part of the issue,

And I again note that I look forward to getting dates for all requested Rule 37 conferences as requested several times.

Thank you,

A handwritten signature in blue ink, reading "Carl J. Hartmann III". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Carl J. Hartmann III

Sincerely,

A handwritten signature in blue ink, reading "Carl J. Hartmann III". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Carl J. Hartmann III



## EXHIBIT I – List of Topics

- (a) You have not filed the passport(s) with the Court under seal.<sup>3</sup>
- (b) If you have provided Item 3, I cannot locate it.
- (c) You have stated that you have previously provided Item 1, the POA from Manal to Jamil—but, would ask that you re-send it, as I have clearly misplaced it.
- (d) **Fully** describe and produce documents as to all her accounts. She has stated that she received all the cash from three interest payments of \$360k each (doled out as she needed it by Isam). This is a fantastic claim. We assume that she had and has regular banking accounts or other types of accounts into which she puts funds—whether they are in her name, her partner’s name or some other name. What we wish to see are the transactions that reflect her getting and using over \$1 million...or the absence of them.
- (e) Provide certification that she has used all reasonable steps to get both information about the accounts/funds and the account documents from Isam—as he was either her agent or her fiduciary. She should have him interviewed in detail and collect any information and recollections he has. She and Isam have described these amounts as being in a “fund” he managed for her, or in “accounts” managed by him.
- (f) We understand that neither she nor Isam paid USVI or FIRPTA taxes on VI source income. Did either pay income tax on interest income for the over \$1 million in such income in their home taxing jurisdiction(s)? If Manal and/or Isam received \$360k in 1998, did either file tax returns in STM and/or Ramallah in that year, and did either declare this as interest income? Same for 1999 and 2000. They have both been asked for both the tax filings themselves and for a response to these questions. Saying that she did not know she owed taxes here, that Isam never personally “received income”, or that Manal will pay taxes here *if she loses this case* is unresponsive as to whether anyone ever paid any taxes on this money.
- (g) as to the \$1 million dollars in alleged income since 1998. She has now said that she has spent it all. She needs to give a detailed recounting on the when, where, how and what of this—and any assets she purchased. This means that she must write out the various amounts, dates and uses for a million dollars. If she cannot recall the exact dates and amounts, she must give her best approximations. Moreover, if she never deposited a cent, she still received, held, and used these smaller payments. How was it done, what was the mechanism or mechanisms. Of

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<sup>3</sup> She has stated that passports have been produced—but while it is true that Hamed has some copies of part of her prior passports attached to other documents, these are NOT full copies of her passports. All passports that she presently has should be *fully* copied including covers and endorsements, and full copies of any prior passports she has should also be fully copied. Either those should be filed with the Court as you previously agreed, or they should be provided to Hamed with a statement that no others exist. This seeks both information and estoppel. Hamed wishes to be certain that she has no passport from other jurisdictions such as Sint Maarten, France, Jordan, Israel, or other countries. He also wishes to see any stamps that would reflect when and where she has traveled. She is seeking the equivalent of at least \$30 million dollars. She must fully comply with such basic discovery at that level of seriousness.

particular interest is the fact that she returned to the West Bank. Was all \$1 million provided before she left STM? If not, how did Isam get it to her over there?

**(h)** The revision of responses by all three as to BFC Appliances before her deposition.